



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,479	04/04/2001	Howard Altarescu	17209-012	6249
54205	7590	11/27/2006	EXAMINER	
CHADBOURNE & PARKE LLP 30 ROCKEFELER PLAZA NEW YORK, NY 10112			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,479

Applicant(s)

ALTARESCU, HOWARD

Examiner

Harish T. Dass

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/06 has been entered.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter "ensuring compliance of a risk transaction with a set of applicable risk". Examiner was unable find a support for this limitation in original

Art Unit: 3693

specification. This rejection will be removed after applicant provides page number(s) in original specification where this limitation can be found.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman (US 6,360,210) in view of King et al (hereinafter King – US 5,704,045).

Re. Claim 1, Wallman discloses entering data descriptive of a risk relating to a financial transaction into a risk computer system [see entire document particularly, Abstract; C6 L14-L33], presenting the data on a communications network [C8 L48-L60; C15 L52-L56], and receiving (providing) a bid to assume the risk into the host computer [Fig. 1 (#1-8); C7 L34-L42; C8 L59-L61; C16 L59-L64]. Wallman does not explicitly disclose allocating the risk to a bidder submitting an acceptable bid for compliant transaction and auction host computer and ensuring compliance of a risk transaction with a set of applicable risk auction rules and procedures.

However, bidder submitting an acceptable bid, compliance to rules of auction and auction host server/computer are well known for example, ebay.com is well known auction host server with auction rules, which accepts bidders' request for bidding and

Art Unit: 3693

allows the bidder to participate in auction of his/her interest. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Wallman and include bidder submitting an acceptable bid, compliance to rules of auction and auction host computer (i.e. auction system with auction host computer and method for bidder submitting an acceptable bid in compliance to auction system rules) to provide an auction or bidding system which allows the bidder to participate in any type (English, reverse, etc.) of auction of his/her interest.

King discloses risk transfer [Figure 2; col. 1 lines 28-45; col. 5 lines 45-48; also see reinsurance, underwriter, and transferring difficult to place risk], bidding (offer and counteroffer) [col. 6 lines 53-63], allocating the risk [col. 2 lines 20-29; col. 9 lines 1-8; also see risk diversification col. 11 line 62], and ensuring compliance of a risk transaction with a set of applicable risk auction rules and procedures [col. 6 lines 15-24; col. 10 lines 1-18; claims 1-2, 23, 42] for providing a system for transferring risks which are unique or difficult to place in existing markets.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the modified disclosure of Wallman and include allocating the risk, and ensuring compliance of a risk transaction with a set of applicable risk auction rules and procedures, as disclosed by King, to provide a system for transferring risks which are unique or difficult to place in existing markets.

Re. Claim 2, Wallman discloses wherein the financial transaction relates to a credit derivatives market [Figures 2-3; C12 L25-L38; C3 L31-L39].

Re. Claims 3-4, Wallman discloses wherein the financial transaction relates to medium term or long term guarantee, and wherein the financial transaction relates to a medium term insurance. [C3 L49-L59; C7 L25-L42; C14 L25-L41; C15 L12-L25]

Re. Claims 5-6, Wallman discloses wherein the data is presented on a website via the Internet, and wherein the communications network comprises the Internet [C5 L63 to C6 L8; C8 L48-L67].

Re. Claims 7-8, Wallman discloses additionally comprising the step of basing bids upon a yield requirement, and additionally comprising the step of basing bids upon a maximum notional amount [C9 L50 to C11 L20].

Re. Claim 9, King further discloses additionally comprising the step of designating bidders (contributors) as qualified counterparties according to a predetermined set of criteria [col. 17 line 46 to col. 18line 10] to engage in practicing risk transfer and negotiate the propose policy. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Wallman and King to define the counterparty qualification to trade.

Re. Claims 10-12, Claims 10-12 are rejected with same rational as claim 1.

Response to Arguments

4. Applicant's arguments filed September 5, 2006 have been fully considered but are moot in view of the new ground(s) of rejection. Applicant has amended the independent claims.

Conclusion

Claims 1-12 are rejected.

Applicant is requested to add a sentence to say that no new matter is added, or provide page number(s) in original specification for support of newly added limitation(s), which are clearly not disclosed/defined in original specification. This helps the examiner to not spend time looking for newly added limitation throughout the original specification.

Examiner appreciates your help.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693

Harish T Dass

11/06/06